

IN THE SUPREME COURT OF THE STATE OF NEVADA

FIRST TRANSIT, INC.; and JAY
FARRALES,

Appellants,

vs.

JACK CHERNIKOFF; and ELAINE
CHERNIKOFF,

Respondents.

Case No.: 70164

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Aug 28 2019 08:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appeal from the Eighth Judicial District
Court, the Honorable Stefany Miley
Presiding

MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR REHEARING
(First Written Request)

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Attorneys for Respondents, Jack Chernikoff and Elaine Chernikoff

Respondents, Jack Chernikoff and Elaine Chernikoff (collectively, “the Chernikoffs”), by and through their counsel of record, Marquis Aurbach Coffing, Richard Harris Law Firm, and Charles Allen Law Firm, hereby move this Court pursuant to NRAP 31(b) for a 30-day extension of time to file the Chernikoff’s petition for rehearing.

The Chernikoff’s petition for rehearing was originally due on August 19, 2019. This Court granted a 14-day telephonic extension on August 9, 2019, making the Chernikoff’s petition for rehearing currently due on September 3, 2019. If this Court grants this request for a 30-day extension, the Chernikoff’s petition for rehearing will be due on October 3, 2019. Good cause exists for allowing the Chernikoffs to extend the filing deadline until October 3, 2019:

1. In addition to his normal caseload, Boulder City’s lead appellate counsel, Micah Echols, was recently retained on several new matters requiring immediate attention on short deadlines: *Didier v. Sotolongo* (S. Ct. Case No. 76289), answer to petition for rehearing due August 29, 2019; *Leonard v. Superpumper, et al.* (D. Ct. Case No. CV13-02663), post-trial motion work and appellate work (S. Ct. Case No. 79355); *Howell v. Crossfit* (D. Ct. Case No. A-17-755962-C), notice of appeal due September 4, 2019. Each of these cases required Mr. Echols to spend time in review to come up to speed quickly and to prepare multiple filings for recent and upcoming deadlines, a number of which were

jurisdictional and could not be extended. This has caused a delay in the completion of the Chernikoff's petition for rehearing.

2. In addition, co-counsel, Benjamin Cloward, is collaborating on drafting the petition for rehearing. However, Mr. Cloward has been tied up with a number of cases that have had him out of the office in depositions and Court hearings, as well as with impending deadlines: *Cunnison v. FirstStreet for Boomers & Beyond, et al.* (D. Ct. Case No. A-16-731244-C), various depositions all over the country, mediation on August 14, 2019, preparation for evidentiary hearing originally scheduled for August 27, and motions in limine which are due August 30, 2019; *Dain v. Home Depot, et al.* (Utah D. Ct. Case No. 170400944PL) multiple depositions in Salt Lake City, Utah on August 21–22, 2019; *Dhalia v. Calverley, et al.* (D. Ct. Case No. A-16-740737-C), mediation on August 20, 2019; and *Salazar v. Sportsman's Royal Manor* (D. Ct. Case No. A-15-728471-C), preparation for upcoming expert depositions in scheduled for the first week of September 2019.

3. A 30-day extension will allow time to coordinate with co-counsel to prepare the draft petition for rehearing and for revisions to be incorporated prior to finalizing and filing with this Court.

Therefore, the Chernikoffs respectfully request a 30-day extension of time to October 3, 2019 to file their petition for rehearing. This motion is submitted in good faith and for good cause shown in accordance with NRAP 31(b).

Dated this 28th day of August, 2019.

MARQUIS AURBACH COFFING

By /s/ Micah S. Echols
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR REHEARING** was filed electronically with the Nevada Supreme Court on the 28th day of August, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Joel D. Henriod, Esq.
Daniel F. Polsenberg, Esq.
LeAnn Sanders, Esq.
Benjamin P. Cloward, Esq.

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

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/s/ Leah Dell
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